	Application No.	Applicant(s)	`
Notice of Allowability	10/681,931	METCALF ET AL.	
	Examiner	Art Unit	
	Coeffroy L Knoble	1722	
	Geoffrey L. Knable	1733	
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT I of the Office or upon petition by the applicant. See 37 CFR 1.31	S (OR REMAINS) CLOSED in 5) or other appropriate commu RIGHTS. This application is s	this application. If not includ nication will be mailed in due	ed course. THIS
1. $\boxtimes$ This communication is responsive to <u>rce/amendmend file</u>	e <u>d 10-13-2006</u> .		
2. 🔀 The allowed claim(s) is/are <u>1-26</u> .			
<ol> <li>Acknowledgment is made of a claim for foreign priority of a) ☐ All b) ☐ Some* c) ☐ None of the:</li> </ol>		or (f).	
<ol> <li>Certified copies of the priority documents have</li> </ol>	ve been received.		
<ol><li>Certified copies of the priority documents have</li></ol>	ve been received in Application	n No	
<ul> <li>3.    Copies of the certified copies of the priority d</li> </ul>	ocuments have been received	in this national stage applica	ition from the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the re	quirements
4. A SUBSTITUTE OATH OR DECLARATION must be sub- INFORMAL PATENT APPLICATION (PTO-152) which gi			IOTICE OF
5. CORRECTED DRAWINGS ( as "replacement sheets") mu	ust be submitted.		
(a) ☐ including changes required by the Notice of Draftspe		( PTO-948) attached	
1) hereto or 2) to Paper No./Mail Date		( ,	
(b) ☐ including changes required by the attached Examine Paper No./Mail Date		in the Office action of	
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in			e back) of
<ol> <li>DEPOSIT OF and/or INFORMATION about the dep attached Examiner's comment regarding REQUIREMENT</li> </ol>			Note the
• •			
Attachment(s)			
1. Notice of References Cited (PTO-892)	5. Notice of Inf	ormal Patent Application	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)		mmary (PTO-413),	
3. M Information Disclosure Statements (PTO/SB/08),	7. 🛭 Examiner's	Mail Date Amendment/Comment	
Paper No./Mail Date 11-13-06  4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's	Statement of Reasons for Allo	owance
of Biological Material	9.		

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-13-2006 has been entered.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harry E. Moose, Jr. on December 19, 2006.

The application has been amended as follows:

## In the claims:

In claim 14, line 10, "at least" (first occurrence; i.e. before "a portion") has been deleted.

Summary of above noted December 19, 2006 Interview: Agreement was reached on the above noted change proposed by the examiner to claim 14 to make the same change already made to analogous claim 1 to avoid any issues of potential new matter and place this application into condition for allowance.

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## **Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance:

The claims are allowable in view of the amendments made in the 10-13-2006 amendment for the reasons advanced by applicant in the remarks accompanying the 10-13-2006 amendment. Additionally, it is noted with respect to the 11-13-2006 Information Disclosure Statement that this prior art is either less relevant or cumulative to the prior art of record. Further, although prior art such as EP 1048492 disclose encapsulating a power source and a portion of a connecting terminal (note battery 30 encapsulated in encapsulation material 40 and plug 38), this encapsulation material 40 "provides a rigid protective shell" as distinguished from attachment patch 46 that is formed from rubber, it being considered clear that the ordinary artisan would have understood that encapsulation material "40" in EP '492 is not rubber, this being in contrast to the present claims which require that the power source be embedded into rubber.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Geoffrey L. Knable Primary Examiner Art Unit 1733

G. Knable December 21, 2006